

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE: CASE NO. 04-14547)	
)	
CARLOS METRONE REYNOLDS)	
)	
Debtor)	
)	
)	
CLAYTOWN RECORDS, INC.)	
)	
Plaintiff)	
)	
vs.)	PROC. NO. 05-1082
)	
CARLOS METRONE REYNOLDS)	
)	
Defendant)	

DECISION ON MOTION TO DISMISS

At Fort Wayne, Indiana, on July 14, 2005.

The plaintiff initiated this adversary proceeding asking the court to determine that the defendant/debtor's debt to it is non-dischargeable under §§ 523(a)(2) and (a)(6) of the United States Bankruptcy Code. In response, the defendant filed a motion to dismiss because the complaint is untimely, having been filed more than 45 days following the bar date.

The plaintiff failed to file any sort of response to the defendant's motion within the time required by the local rules of this court. See, N.D. Ind. L.B.R. B-7007-1(a). More importantly, the defendant's arguments are correct. The deadline for filing complaints to determine dischargeability or objections to discharge was March 10, 2005, and that deadline operates as a statute of limitations. Kontrick v. Ryan, 540 U.S. 443, 124 S. Ct. 906 (2004). The complaint initiating this adversary proceeding was not filed until April 26, 2005. Having been filed after the expiration of the

applicable deadline, this adversary proceeding should be dismissed and an order doing so will be entered.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court